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From: Manzanilla, Enrique
Sent: Fri 12/1/2017 10:47:13 PM
Subject: Anaconda
[Deferral Agreement 11-22-17 NDEP_002.docx](#)
[ATT00001.htm](#)

Kell and Jim:

Attached is the latest version of the draft Deferral Agreement with Nevada regarding the Anaconda Copper Mine Site. This draft incorporates both EPA and NDEP revisions reflecting the significant progress achieved in meetings with NDEP on Nov. 21. The major changes included:

1. Removing from the agreement endorsement of the NDEP order with ARC since obtaining the necessary changes to the NDEP/ARC order would introduce a significant delay in proceeding with this deferral agreement;
2. Including language that any proposed ARAR waiver must meet CERCLA or Nevada Codes “whichever is more stringent”;
3. Providing that NDEP make the decision about interim measures (including those to address potential groundwater migration) based on available data rather than at EPA request; and
4. Aligning the agreement termination language with the language in the 2012 EPA Region 10 deferral agreement.

We understand that Nevada shared this draft Deferral Agreement with BP Atlantic Richfield on Wednesday, Nov.29. We will be meeting with Bob Genovese and NDEP next week (on Dec. 6) and understand that Bob has remaining comments on the deferral agreement language regarding potential ARAR Waivers and agreement termination. We will pass along their mark up next week.

We believe the current draft document maintains consistency with EPA deferral guidance and policy and look forward to any insight you may have in this regard.

Enrique